

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4575 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ANSARI GULAMALI JALIL AHMED

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4575 of 1993
MR AK CLERK for Petitioner No. 1-8
MR KL PANDYA ASST GOVERNMENT PLEADER for Respondent No. 1
MR SN SHELAT for Respondent No. 2
RULE SERVED for Respondent No. 3
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CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 18/10/2002

ORAL JUDGEMENT

#. This petition has been filed for quashing and setting

aside the Select List of 82 persons for the appointment of Urdu teachers and for a direction to prepare a select list in consonance of available vacancies of the primary teachers as per guidelines published therefor and to consider the case of the petitioners for appointment as Urdu Teachers and to give appointment to them with salary and consequential benefits.

#. The advertisement was made for the selection of Urdu Teachers and in pursuance of the advertisement, the respondents received 118 application forms. Out of them, the respondents have selected and prepared a list of 82 candidates on the basis of the selection mode prescribed in the advertisement itself. It is contended by learned counsel for the petitioner that though there were vacancies of 120 teachers but only 82 candidates were selected as such selection is arbitrarily and is not sustainable in the eyes of law and they have not been included in the selection list. It is also contended by learned counsel for the petitioner that vacancies occurred time and again and those vacancies have been filled up by substitute teachers. As the petitioners applied for the post and they being qualified were not included in the list of 82 persons, they may be considered for substitute teachers against vacancy whenever arises.

#. In this respect, learned counsel for the respondents pointed out from the affidavit-in-reply filed on behalf of the respondents that petitioners were not found to be meritorious and hence they were not included in the select list and there is no select list which is operated and whenever any vacancy occurs, fresh list is to be prepared after advertisements are issued. Moreover, it is also stated by learned counsel for the respondents that out of 82 persons selected, 60 candidates have been given appointment since there is no further vacancy. As such, the select list could not be operated further as there is no vacancy. Consideration for petitioners for future vacancy cannot be taken into account at this stage. Whenever any vacancy occurs, advertisement is made and suitable candidates are selected and are appointed. In the present case, the petitioners have not been found suitable and they have not been selected and they cannot be considered even for substitute teacher.

#. Having considered the contentions of the learned counsel for the parties and the averments made in the petition and the relevant papers on record, I have come to the conclusion that the petitioners have no vested right to claim for the appointment on the basis of the

advertisement and selection made by the Selection Committee as the Selection Committee has not found the petitioners to be suitable for the appointment. I do not find any merit in the petition for interference. Accordingly, the petition is dismissed. Rule discharged with no order as to costs.

Date : 18-10-2002 [Kundan Singh, J.]

#kailash#